

#350

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

1

JENNIFER MCFADDEN MISSIMER
&
KATHY MCPEAKE

Plaintiffs

vs.

GLOBAL CREDIT & COLLECTION
CORPORATION

Defendant

11 2905

Case Number

CIVIL COMPLAINT

JURY TRIAL DEMANDED

FILED

MAY - 2 2011

MICHAEL E. KUNZ, Clerk
By ✓ Dep. Clerk

COMPLAINT AND JURY DEMAND

COMES NOW, Plaintiffs, Jennifer McFadden Missimer & Kathy McPeake, by and through their undersigned counsel, Bruce K. Warren, Esquire and Brent F. Vullings, Esquire of Warren & Vullings, LLP, complaining of Defendant and respectfully avers as follows:

I. INTRODUCTORY STATEMENT

1. Plaintiffs, Jennifer McFadden Missimer & Kathy McPeake, are adult natural persons and bring this action for actual and statutory damages and other relief against Defendant for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

1 orig
mailed
5/2/11

II. JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. §1337.
3. Venue in this district is proper in that Plaintiffs reside here.

III. PARTIES

4. Plaintiff, Jennifer McFadden Missimer, is an adult natural person residing at 7319 West Chester Pike, Upper Darby, PA 19082. At all times material and relevant hereto, Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a (2).

5. Plaintiff, Kathy McPeake, is an adult natural person residing at 3933 Township Line Road, Collegeville, PA 19426. At all times material and relevant hereto, Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a (2).

6. Defendant, Global Credit and Collection Corporation, at all times relevant hereto, is and was a Corporation engaged in the business of collecting debt within the Commonwealth of Pennsylvania, with a principal place of business located at 300 International Drive, Suite 100, Williamsville, NY 14221.

7. Defendant is engaged in the collection of debts from consumers using the telephone and mail. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6).

IV. FACTUAL ALLEGATIONS

7. Starting on or about March 21, 2011, Defendant regularly engages Plaintiffs in a series of harassing, misleading and unwarranted phone calls for an alleged debt owed by Plaintiff, Jennifer McFadden Missimer to Capital One.

8. Plaintiff, Jennifer McFadden Missimer and several of her siblings have received numerous phone calls and voicemails from “Jason Diaz,” an agent of Defendant.

9. A sister of Plaintiff, Jennifer McFadden Missimer has received over twenty (20) phone calls from Defendant.

10. On or about March 21, 2011 Plaintiff, Kathy McPeake received the first of several voicemails from “Jason Diaz” that specifically stated the message was “strictly intended for Jennifer McFadden.”

11. In the voicemail, “Jason Diaz” asks for Plaintiff, Jennifer McFadden Missimer to return the call to “1-877-339-1002, ext 6704,” otherwise, he threatens, “If I do not hear back from you, I may be forced to make a decision without your input and recommend for further necessary steps to be taken.”

12. Upon receipt of this voicemail, Plaintiff, Kathy McPeake returned a call to Defendant at the number and extension left on her voicemail.

13. Plaintiff, Kathy McPeake spoke with an agent of Defendant and explained that Plaintiff, Jennifer McFadden Missimer cannot be reached at the cell phone number where Defendant attempted to contact her, and politely asked for Defendant to stop calling her.

14. Despite speaking with an agent of Defendant about the voicemail and asking for their contact to cease, Plaintiff, Kathy McPeake received two additional voicemails in the following days.

15. The second voicemail is again left by "Jason Diaz" who states that since he has not heard from Plaintiff, Jennifer McFadden Missimer, "due to the fact, we are actually preparing to escalate this matter against you."

16. Defendant's third voicemail contains "Jason Diaz" threatening Plaintiff, Jennifer McFadden Missimer by giving her "24 hours to contact my office before we sign off and submit the documentation in your name, to begin the proceedings against you."

17. Concurrent to the voicemails left for Plaintiff, Kathy McPeake, Defendant's agent "Jason Diaz" also left routine voicemails for Plaintiff, Jennifer McFadden Missimer that contained very much the same threats.

18. Plaintiff, Jennifer McFadden Missimer also received a voicemail where "Jason Diaz" threatened to "move forward with the proceedings against you" if she did not return the call within 24 hours.

19. In a second voicemail left for Plaintiff, Jennifer McFadden Missimer on the voicemail of her cellular phone, "Jason Diaz" once again threatens that "further necessary steps" would be taken against Plaintiff, Jennifer McFadden Missimer, if he could not obtain her input.

20. On a third voicemail, "Jason Diaz" warns Plaintiff, Jennifer McFadden Missimer that due to the fact that he has not heard from her, "we have prepared ourselves to escalate this matter."

21. In every voicemail left by "Jason Diaz", Plaintiff, Jennifer McFadden Missimer is threatened with legal action that Defendant is incapable of initiating.

22. Defendant is not a licensed to practice law; therefore, it has no authority to allude to impending legal action against Plaintiff, Jennifer McFadden Missimer.

23. To date, Plaintiff has not been served with a civil complaint in any venue for any outstanding debt.

24. Defendant, by and through "Jason Diaz," intentionally badgered Plaintiff, Jennifer McFadden Missimer's family members in an effort to coerce the debt from Plaintiff, Jennifer McFadden Missimer by leaving private and personal information on the voicemail of uninvolved third parties.

25. Defendant, by and through "Jason Diaz" made the conscious decision to ignore Plaintiff, Kathy McPeake's insistence that Plaintiff, Jennifer McFadden Missimer could not be reached by calling her cell phone, and placed a minimum of two more phone calls where revealing and threatening voicemails were left.

26. All threats made to Plaintiff, Jennifer McFadden Missimer and her family members are still within thirty days of the receipt of Defendant's initial dunning letter, and as such, Plaintiff, Jennifer McFadden Missimer is not properly allotted the time outlined under federal law to dispute the validity of the alleged debt.

27. Defendant acted in a false, deceptive, misleading and unfair manner by threatening to take action that it did not intend to take for the purpose of coercing Plaintiff to pay the debt.

28. Defendant knew or should have known that their actions violated the FDCPA. Additionally, Defendant could have taken the steps necessary to bring their and their agent's actions within compliance of the FDCPA, but neglected to do so and failed to adequately review those actions to insure compliance with the law.

29. At all times pertinent hereto, Defendant were acting by and through their agents, servants and/or employees, who were acting with the scope and course of their employment and under the direct supervision and control of Defendant herein.

30. At all times pertinent hereto, the conduct of Defendant as well as its agents, servants and/or employees, was malicious, intentional, willful, reckless, negligent and in wanton disregard for federal and state law and the rights of the Plaintiffs herein.

31. Plaintiffs have suffered and continues to suffer actual damages as a result of Defendant's unlawful conduct.

32. As a direct consequence of Defendant's acts, practices and conduct, Plaintiffs suffer and continue to suffer from humiliation, anger, anxiety, emotional distress, fear, frustration and embarrassment.

33. Defendant's conduct was so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community.

COUNT 1 – FDCPA

34. The above paragraphs are hereby incorporated herein by reference.

35. At all times relevant hereto, Defendant was attempting to collect an alleged debt which was incurred by the Plaintiffs for personal, family or household purposes and is a "debt" as defined by 15 U.S.C. § 1692a(5).

36. The foregoing acts and omissions constitute violations of the FDCPA, including but not limited to, violations of 15 U.S.C. § 1692:

§ 1692b(2): Contact of Third Party: Stated that the consumer owes any debt

§ 1692b(3): Contact of Third Party: Contacted a person more than once, unless requested to do so

§ 1692c(a)(1): At any unusual time, unusual place, or unusual time or place known to be inconvenient to the consumer

§ 1692d: Any conduct that natural consequence of which is to harass, oppress or abuse any person

§ 1692d(5): Caused the phone to ring or engaged any person in telephone conversations repeatedly

§ 1692e: Any other false, deceptive or misleading representation or means in connection with the debt collection

§ 1692e(2): Character, amount, or legal status of the alleged debt

§ 1692e(5): Threaten to take any action that cannot legally be taken or that is not intended to be taken

§ 1692e(10): Any false representation or deceptive means to collect a debt or obtain information about a consumer

§ 1692f: Any unfair or unconscionable means to collect or attempt to collect the alleged debt

WHEREFORE, Plaintiffs respectfully request that this court enter judgment in their favor and against Global Credit & Collection Corporation for the following:

- a. Actual damages;
- b. Statutory damages pursuant to 15 U.S.C. §1692k;

- c. Reasonable attorney's fees and costs of suit pursuant to 15 U.S.C. §1692k; and
- d. Such addition and further relief as may be appropriate or that the interests of justice require.

COUNT II

VIOLATIONS OF PENNSYLVANIA FAIR CREDIT EXTENSION UNIFORMITY ACT

(FCEUA, 73 Pa. C.S. § 2270.1 et seq.)

- 37. Plaintiffs repeat, re-allege and incorporates by reference the foregoing paragraphs.
- 38. The collection of a debt in Pennsylvania is proscribed by the Fair Credit Extension Uniformity Act at 73 Pa. C.S. § 2270.1 et seq., ("FCEUA") and the Pennsylvania Unfair Trade Practices and Consumer Protection Law 73 Pa. C.S. 201-1 et seq. ("UTPCPL"). Defendant is a debt collector pursuant to 73 Pa. C.S. § 2270.3.
- 39. The alleged debt Defendant was attempting to collect is a debt as defined by 73 Pa. C.S. § 2270.3.
- 40. The FCEUA proscribes, inter alia, engaging in any false, misleading or deceptive representations when attempting to collect a consumer debt.
- 41. The actions of Defendant, as aforesaid, constitute false, misleading or deceptive representations.
- 42. Violations of the FDCPA are per se violations of the FCEUA and the UTPCPL.
- 43. As a direct and proximate result of the said actions, Plaintiffs have suffered financial harm.

44. By virtue of the violations of the law as aforesaid, and pursuant to the FCEUA and UTPCPL, Plaintiffs are entitled to an award of actual damages, treble damages, attorney's fees and costs of suit.

WHEREFORE, Plaintiffs pray this Honorable Court enter judgment in their favor and against Defendant, and Order the following relief:

- a. Actual damages;
- b. Treble damages;
- c. An award of reasonable attorneys fees and expenses and costs of court; and
- d. Such additional relief as is deemed just and proper, or that the interests of justice require.

COUNT III

VIOLATIONS OF PENNSYLVANIA CONSUMER PROTECTION LAW ("UTPCPL"), 73 Pa. C.S. § 201-1 et seq.

45. The foregoing paragraphs are incorporated herein by reference.
46. Plaintiffs and Defendant are "Persons" to 73 Pa. C.S. § 201-2.
47. The UTPCPL proscribes, inter alia, engaging in any "unfair or deceptive acts or practices", either at, and prior to or subsequent to a consumer transaction.
48. The action of Defendant, as aforesaid, constitutes unfair acts or practices under the UTPCPL, by way of the following, inter alia:

a. Defendant misrepresented to Plaintiffs the character, extent or amount of the debt or its status in a legal proceeding, 73 Pa. C.S. § 201-3.1;

b. Defendant engaged in deceptive or fraudulent conduct which created a likelihood of confusion or of misunderstanding, 73 Pa. C.S. § 201-2(xxi);

c. Defendant failed to comply with the FDCPA and FCEUA which are per se violations of the UTPCPL.

49. As a direct and proximate result of the said actions, Plaintiffs have suffered financial damages and other harm.

50. By virtue of the violations of law aforesaid and pursuant to the UTPCPL, Plaintiffs are entitled to an award of actual damages, treble damages, attorney's fees and costs of suit.

WHEREFORE Plaintiffs pray this Honorable Court enter judgment in their favor and against Defendant, and Order the following relief:

- a. An Order declaring that Defendant violated the UTPCPL;
- b. Actual damages;
- c. Treble damages;
- d. An award of reasonable attorney's fees and expenses and cost of suit; and
- c. Such additional relief as is deemed just and proper, or that the interest of justice may require.

V. JURY DEMAND

Plaintiffs hereby demand a jury trial as to all issues herein.

Respectfully submitted,

WARREN & VULLINGS, LLP

Date: April 28, 2011

BY: /s/ Bruce K. Warren BKW4066

Bruce K. Warren, Esquire

BY: /s/ Brent F. Vullings BFV8435

Brent F. Vullings, Esquire

Warren & Vullings, LLP
93 Old York Road, Suite 33
Jenkintown, PA 19046
215-745-9800 Fax 215-745-7880
Attorney for Plaintiff

JS 44

TJS**CIVIL COVER SHEET**

11-CV-2905

Jm

The JS 44 civil cover sheet and the information provided herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THIS FORM)

I. (a) PLAINTIFFS

Jennifer McFadden Missimer and Kathy McPeake

DEFENDANTS

Global Credit & Collection Corporation

(b) County of Residence of First Listed Plaintiff

Delaware Co., PA

County of Residence of First Listed Defendant

Erie Co., NY

(c) Attorney's (Firm Name, Address, Telephone Number, and Email Address)

Warren & Vullings, LLP, 93 Old York Road, Suite 333
Jenkintown, PA 19046 215-745-9800

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (if known)

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff☒ 3 Federal Question (U.S. Government Not a Party)☐ 2 U.S. Government Defendant☐ 4 Diversity

(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State

☒ 1

DEF

☐ 1 Incorporated or Principal Place of Business in This State☐ 4 DEF

Citizen of Another State

☐ 2

DEF

☐ 2 Incorporated and Principal Place of Business in Another State☒ 5

Citizen or Subject of a Foreign Country

☐ 3

DEF

☐ 3 Foreign Nation☐ 6**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	

V. ORIGIN

(Place an "X" in One Box Only)

☒ 1 Original Proceeding☐ 2 Removed from State Court☐ 3 Remanded from Appellate Court☐ 4 Reinstated or Reopened☐ 5 Transferred from another district (specify)☐ 6 Multidistrict Litigation☐ 7 Appeal to District Judge from Magistrate Judgment**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity).
 Fair Debt Collection Practices Act 15 U.S.C. 1692

Brief description of cause
 Violation of FDCPA

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:☒ Yes ☐ No**VIII. RELATED CASE(S)**

(See instructions):

JUDGE:

DOCKET NUMBER

MAY 2 2011

Explanation:

DATE

SIGNATURE OF ATTORNEY OF RECORD

04/28/2011

/s/ Brent F. Vullings, Esq.

bv@w-vlaw.com

FOR THE EASTERN DISTRICT OF PENNSYLVANIA DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar

Address of Plaintiff Jennifer McFadden Missimer, 7319 West Chester Pk, Upper Darby, PA 19082 and Kathy McPeake, 3933 Township Line Rd, Collegeville, PA 19426

Address of Defendant Global Credit & Collection Corporation, 300 International Drive, Suite 100, Williamsville, NY 14221

Place of Accident Incident or Transaction Delaware Co., PA

(Use Reverse Side for additional space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed. R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number

Judge

Date Terminated

(Civil cases are deemed related when yes is answered to any of the following questions)

1. Is this case related to properly included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

3. Does this case involve the validity or infringement of a patent already in suit or in any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐ No ☒

CIVIL (Place X in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts

2. ☐ FEELA

3. ☐ Jones Act-Personal Injury

4. ☐ Antitrust

5. ☐ Patent

6. ☐ Labor-Management Relations

7. ☐ Civil Rights

8. ☐ Habeas Corpus

9. ☐ Securities Act(s) Cases

10. ☐ Social Security Review Cases

11. ☒ All other Federal Question Cases

(Please specify) Fair Debt Collection Practices Act

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts

2. ☐ Airplane Personal Injury

3. ☐ Assault, Defamation

4. ☐ Marine Personal Injury

5. ☐ Motor Vehicle Personal Injury

6. ☐ Other Personal Injury (Please Specify)

7. ☐ Products Liability

8. ☐ Products Liability - Asbestos

9. ☐ All other Diversity Cases

(Please Specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Brent F. Vullings, Esq. Counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs

☐ Relief other than monetary damages is sought

DATE: 04/28/2011

/s/ Brent F. Vullings BFV8435
Attorney-at-Law

92344
Attorney ID #

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this Court except as noted above.

DATE: 04/28/2011

/s/ Brent F. Vullings BFV8435
Attorney-at-Law

92344
Attorney ID #

TJS

APPENDIX I

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIACASE MANAGEMENT TRACK DESIGNATION FORM

CIVIL ACTION

Jennifer McFadden Mlssimer and Kathy McPeake

v.

11 2905Global Credit & Collection Corporation

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus - Cases brought under 28 U.S.C. §2241 through §2255. ☐
- (b) Social Security- Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ☐
- (c) Arbitration - Cases required to be designated for arbitration under Local Civil Rule 53.2. ☐
- (d) Asbestos - Cases involving claims for personal injury or property damage from exposure to asbestos. ☐
- (e) Special Management - Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ☐
- (f) Standard Management - Cases that do not fall into any one of the other tracks. ☒

04/28/2011

Date

/s/ Brent E. Vollings BEV8435

Attorney-at-law

Plaintiff

Attorney for

215-745-9800

Telephone

215-745-7880

FAX Number

bv@w-vlaw.com

E-Mail Address

MAY 2 2011